

**AMENDMENTS TO THE DRAWINGS:**

The attached drawing sheet includes changes to FIGURE 1. This sheet, which includes only FIGURE 1, replaces the original sheet including FIGURE 1. Applicants have amended Figure 1 of the drawings to include reference 15 as requested by the Examiner.

Attachment: Replacement Sheet **AND**  
Annotated Sheet Showing Changes

## **REMARKS**

### **The Office Action**

Claims 1-32 were presented for examination.

Objection to the Abstract and page 6 of the specification were made.

Claims 8 and 24 were objected to.

Claims 4, 14, 15, 19, 21 and 32 were rejected under 35 U.S.C. § 112.

Claims 1-4, 6, 8-9, 13, 15-16, 19-26, 28 and 30-31 were rejected under 35 U.S.C. § 102(e).

Claims 5, 7, 10-12, 14, 17, 18, 27, 29 and 32 were rejected under 35 U.S.C. §103.

Applicants have amended claims 1, 4, 13, 14, 15, 19, 21, 24, and 32.

Applicants have cancelled claim 25.

### **Drawings**

Applicants have amended Figure 1 of the drawings to include reference 15 as requested by the Examiner.

### **Specification**

Applicants have amended the specification [0029] and [0030] to correct typographical errors and to address Examiner's rejection. Applicants have also amended [0083] of the Abstract of the Disclosure to reflect the concerns posed by the Examiner.

### **35 USC §112 and Claim Objections**

Applicants have amended claims 4, 8, 14, 15, 19, 21, 24 and 32 to address the Examiner's rejection on the basis of 35 USC §112.

### **The Concepts of the Present Application and Gruse et al. 6,389,538 are Distinct**

Applicants have reviewed Gruse et al. ('538) as applied to the present application. Initially, it is Applicants' view Gruse et al. '538 is directed to a system

distinct from the concepts of the present application. To clarify this distinction, Applicants have attached Exhibit 1, which is a simplified version of the drawings, Figs. 1A-1D of Gruse et al., and Exhibit 2, which is Applicants Fig. 1.

As noted in the specification, and as shown in Exhibit 2, the present application is directed to a system having a distributed configuration and administration to permit any user of the community of users to have the capability of configuring and administering electronic markets. In this system, and as shown in Figs. 1, 16, 17, etc. are end users which may buy content. However, the distributed concepts of the present application also permits these end users to become themselves marketmakers, by uploading content that they wish to provide the server, and by specifying digital usage permissions ([0024], [0025]). Thus, the marketmaker (*i.e.*, an end user) is given control to create and administer the market to his or her own needs ([0026], [0027]).

On the other hand, it is clear from the description in Gruse et al. '538 and as shown in the attached Exhibit 1 that not all users of the Gruse et al. system are able to be marketmakers, *i.e.*, that they can upload their own content and control access to and usage of that content. Rather, Gruse et al. '538 provides a clear wall between the end user and the content provider and/or electronic digital content store. Further, Gruse et al. '538 does not even permit the content providers to directly sell their own content. Rather, content providers (Fig. 1A) provide the content to the electronic digital content stores (Fig. 1B). Thus, if the content providers themselves want to distribute their own content, they must also open an electronic digital content store (Fig. 1B).

Thus, there are fundamental distinctions between Gruse et al. '538 and the concepts of the present application as claimed. More specific attention to these distinctions is provided in the following paragraphs.

**Independent Claims 1 and 13 and Corresponding  
Dependent Claims 2-12 and 14-18 are Distinguished  
from the Art**

With attention to independent claim 1, provided is a distributed administration system where any user of the community of users can be provided with the capability of configuring and administering individual ones of electronic markets. Again, viewing the attached Exhibit 1, Gruse et al. '538 does not provide such capability. Particularly, an

end user is clearly a user of the system in Gruse et al. However, it is also clear the end users are not able to configure and administer electronic markets. Again, Gruse et al. '538 provides a clear wall between the various users of the system (*i.e.*, content providers, content store providers and end users). For at least this reason, independent claim 1 is distinguished from the cited art.

Turning attention to independent claim 13, this claim also provides the concept that each user of the community of users is able to be provided with the capability of administering permissions to control access and usage of electronic markets. To further clarify this, claim 13 has been further amended to specifically note the community of users will include end users who are both users of the content and providers of the content.

For at least these reasons, independent claim 13 is distinguished.

As dependent claims 2-12 and 14-18 further define these now-distinguished independent claims, they are also considered distinguished.

Additionally, with attention to claim 6, this claim has been amended to more particularly recite the content is stored at a location separate from a location where the access permissions and usage permissions are controlled.

In originally rejecting claim 6, it was interpreted the content was stored at a separate location (*i.e.*, at the Content Provider, Electronic Digital Content Store, or Content Hosting Site), from access permissions and usage permissions (stored at the Clearinghouse). However, what is intended by claim 6 is that separation of the content from the location where the access permissions are controlled will provide greater flexibility. However, in reviewing Gruse et al. '538, it appears that the Clearinghouse is where the usage permissions and access permissions are controlled, but rather the Clearinghouse provides various authorizations and checks that validate the integrity and authenticity of requests (see column 13, lines 45-62). To further clarify the above concept, claim 6 has been amended and is believed to be distinguished from the cited art.

With attention to claims 10-12, Applicants note these claims have been rejected based on the concept that it would be well known in the art to use bar codes. In supporting this position, column 20, lines 9-12, of Gruse 35 al. '538 was pointed to, as

well as column 52, line 67 through column 53, line 3, to show that usage conditions for the content can be entered manually or automatically, and the new content can be stored manually.

Respectfully, it is Applicants position the cited material is teaching that manual is via operator intervention in a computer system (*i.e.*, through a keyboard). Particularly, when the Examiner points to the concept that the new content can be stored manually, clearly this does not mean a piece of paper is taken and placed in a drawer. Rather, the concept of manually is that it is stored electronically via a user intervention. Therefore, it is submitted this section provides no teaching which would allow official notice to be taken that a system as described herein can include an interface using the paper interface as set forth in claims 10-12.

For this reason, Applicants must respectfully traverse the rejection of claims 10-12. Similar comments are appropriate for claim 17.

**Independent Claims 19 and 24 Corresponding  
Dependent Claims 20-23 and 26-32 are Also  
Distinguished**

It is submitted these claims are distinguished for the above-noted reasons as related to claims 1 and 13.

In addition, it is stated in the Office Action that the section of claim 19, claiming "specifying access permissions to the market for at least one of other users or groups of the community of users" was anticipated by 538' col. 9, 59 and 61-67. Applicants believe the cited sections do not teach a distributed system where users can administer access and usage of markets and content. The 538' reference to "Rights Management" (col. 9 lines 57-67) refers to users "unlocking content." However, "unlocking" simply refers to the process of decrypting a document after permission to use it has been granted. It does not refer to the distributed right to grant permissions to other users by an end user. "Unlocking" in this context of the 538' patent at col. 9 is simply use of the document. Therefore, Applicants respectfully submit the 538' reference does not teach end users having the ability to assign unlocking rights to others and does not discuss the issue of access rights in general (see below for further discussion). Applicants request the rejection be removed and claim 19 be allowed.

Additionally, Applicants have amended claim 24 to include the concepts of now-canceled dependent claim 25 which includes, "a distributed administration system, wherein any user of the community of users can be provided with a capability of configuring and administering permissions which control access and usage of the electronic markets."

The Examiner rejected now-canceled dependent claim 25 of the application. Claim 25 states, "The system according to claim 24 wherein access permissions associated with administering usage permissions for encrypted content can be associated with multiple accounts on the permissions server." The Examiner argued that the 538' reference "further discloses wherein access permissions associated with administering usage permissions for encrypted content can be associated with multiple accounts on the permissions server." Office Action p. 12, referencing 538' at col. 9 lines 61-65; col. 10, lines 4-9; col. 70, lines 35-44.

Applicants submit the cited sections do not teach a system where users can administer access and usage of markets and content. The 538' reference to "Rights Management" (col. 9 lines 61-65) refers to users "unlocking content." However, "unlocking" simply refers to the process of decrypting a document after permission to use it has been granted. It does not refer to the distributed right to grant permissions to other users by an end user. "Unlocking" in the 538' patent at col. 9 is simply means use of the document. Therefore the 538' reference does not teach end users having the ability to assign unlocking rights to others.

Similarly, the next referenced location (col. 10, lines 5-10) actually teaches "licensing authorization and control" being "implemented through the use of a (underline added, note singularity) clearinghouse," which is analogous to a traditional top down administration of usage and access permissions. No where does this reference teach user control of access or usage permissions, instead it teaches the simple top down administration of usage permissions seen in traditional non-distributed permission systems.

The final referenced location (col. 70, lines 35-44) referring to the "Content Electronic Distribution System" refers to a distribution system using broadband transfer

of data for large amounts of content. This reference does not teach user control of access or usage permissions.

Applicants respectfully assert that because the references given by the Examiner in his rejection for claims 24 and 25 (now canceled) do not teach the end user having the ability to control access and usage permissions, that the rejection of claim 24 should be removed.

As claims 20-23 and 26-32 depend from and further distinguish the now-rejected claims, it is submitted these claims are also distinguished.

### CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-24, 26-32) are now in condition for allowance.

Respectfully submitted,

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MINNICH & MCKEE, LLP

March 10<sup>th</sup>, 2006  
Date

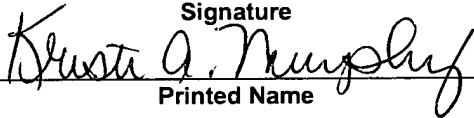
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#### CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

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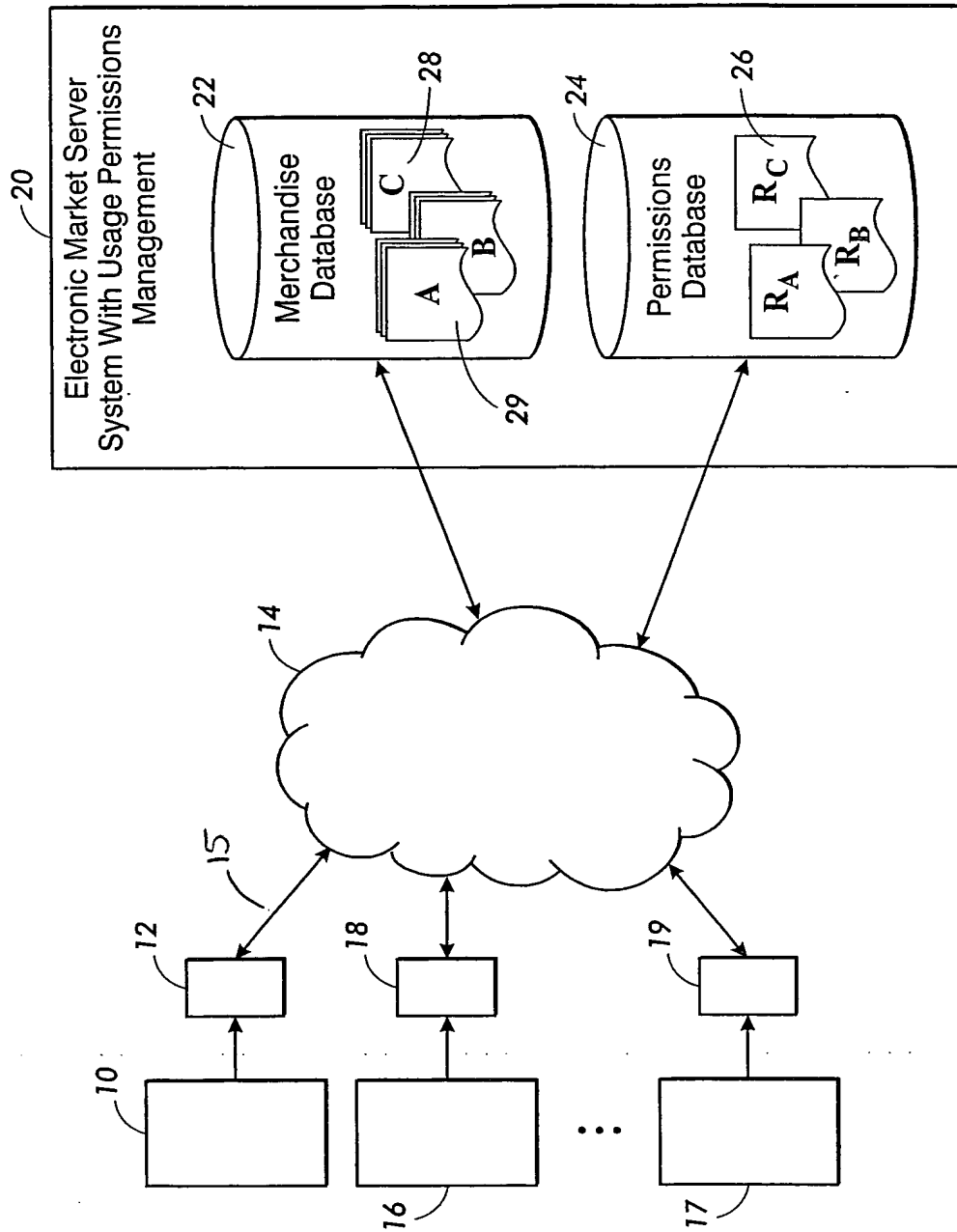


FIG. 1